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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


11 EDRIC CHARLES JORDAN,) Criminal No. 02-CR-1714-L-5
12 Petitioner,) **ORDER**
13 v.)
14 UNITED STATES OF AMERICA,)
15 Respondent.)
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18 On February 29, 2008, Petitioner Edric Charles Jordan (“Petitioner”), originally proceeding
19 *pro se*, filed an untimely motion for relief of sentence pursuant to 18 U.S.C. § 3582(c)(2). The
20 Respondent filed a responsive memorandum on March 18, 2008. On April 30, 2008, Petitioner,
21 with the assistance of counsel, filed a timely motion for relief of sentence pursuant to 18 U.S.C.
22 § 3582(c)(2). Petitioner’s motion was based upon retroactive amendments to the Federal Sentencing
23 Guidelines pertaining to crack cocaine offenses which became effective March 3, 2008. Respondent
24 filed an updated response and opposition, and Petitioner filed a reply. The Court, after reviewing
25 the record, the submissions of the parties, and the supporting exhibits, denied Petitioner’s motion
26 on August 20, 2008. On August 27, 2008, Petitioner timely appealed to the Ninth Circuit. On
27 September 4, 2008, Petitioner then filed a Motion for Reconsideration in the district court
28 concerning the Court’s Order dated August 20, 2008.

1 The filing of a valid notice of appeal divests the district court of jurisdiction to alter, amend
2 or modify the order or judgment challenged in the appeal. *See Pope v. Sav. Bank of Puget Sound*,
3 850 F.2d 1345, 1347 (9th Cir. 1988). Therefore, Petitioner's Motion for Reconsideration is
4 **DISMISSED WITH PREJUDICE.**

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6 **IT IS SO ORDERED.**

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8 DATED: September 8, 2008

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11 M. James Lorenz
12 United States District Court Judge
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